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4 JUL 2005

10/514,406

MAIL STOP PCT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE**  
**(DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER		
BARK124002		
U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)		
10/514,406		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	EARLIEST PRIORITY DATE CLAIMED
PCT/GB2003/02124	May 16, 2003	May 16, 2002
TITLE OF INVENTION		
PARTICLE SEPARATION		
APPLICANT(S) FOR DO/EO/US		
Graeme Stewart SHORTIS		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information by **Express Mail**:

- 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 37 U.S.C. 371.
- 3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)).  
The submission must include items (5), (6), (9) and (21) indicated below.
- 4. The US has been elected (Article 31).
- 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. is attached hereto (required only if not communicated by the International Bureau).
  - b. has been communicated by the International Bureau.
  - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
- 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
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Seattle, Washington 98101  
206.682.8100

7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- a. are attached hereto (required only if not communicated by the International Bureau).
- b. have been communicated by the International Bureau.
- c. have not been made; however, the time limit for making such amendments has NOT expired.
- d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 C.F.R. 1.76..
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 – 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: Notification of Missing Requirements

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The following fees are submitted:				CALCULATIONS
21.	a) Basic national fee .....	\$300.00	\$	
22.	b) Examination fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....	\$0.00	\$	
	All other situations .....	\$200.00		
23.	c) Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....	\$0.00	\$	
	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....	\$100.00		
	International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ....	\$400.00		
	All other situations .....	\$500.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate	
- 100 =	/50=		x \$250	\$
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =		x \$50.00	\$
Independent claims	- 3 =		x \$200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00
X Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$65.00
<b>SUBTOTAL =</b>				\$65.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$
<b>TOTAL NATIONAL FEE =</b>				\$65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$
<b>TOTAL FEES ENCLOSED =</b>				\$65.00
07/19/2005 KAYPAGH 00000050 10514406 01 FC:2617 65.00 0P				Amount to be: refunded
				Amount to be: charged

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- a. Check No. 164796 in the amount of \$ 65.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1740. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**Customer No. 26389**

Lee E. Johnson  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, WA 98101

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Lee E. Johnson  
Registration No. 22,946  
Direct Dial No. 206.695.1701

**EXPRESS MAIL CERTIFICATE**

Express Mail No.: EV 291183315 US  
Date of Deposit: July 14, 2005

I hereby certify that this document and the enclosures listed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Greg Peria-Hansen  
(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

LEJ/PAS:jmb

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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/514,406	Graeme Stewart Shorts	BARK-1-24002
INTERNATIONAL APPLICATION NO.		
PCT/GB03/02124		
I.A. FILING DATE	PRIORITY DATE	
05/16/2003	05/16/2002	
CONFIRMATION NO. 4105		
371 FORMALITIES LETTER		
*OC000000016391493*		

Date Mailed: 07/05/2005

**DOCKETED**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/15/2004
- Copy of the International Search Report filed on 11/15/2004
- Preliminary Amendments filed on 11/15/2004
- Information Disclosure Statements filed on 11/15/2004
- Request for Immediate Examination filed on 11/15/2004
- U.S. Basic National Fees filed on 11/15/2004
- Priority Documents filed on 11/15/2004

**PROCESSED  
DOCKETING**

CLH

JUL 11 2005

CHRISTENSEN, O'CONNOR  
JOHNSON KINDNESS PLLC

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

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DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,  
WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

INDIA L EVANS

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Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/514,406	PCT/GB03/02124	BARK-1-24002

FORM PCT/DO/EO/905 (371 Formalities Notice)